

2003 DRAFTING REQUEST**Bill**Received: **11/18/2003**Received By: **pgrant**Wanted: **As time permits**

Identical to LRB:

For: **Shirley Krug (608) 266-5813**

By/Representing:

This file may be shown to any legislator: **NO**Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - charter schools**Extra Copies: **MJL**Submit via email: **YES**Requester's email: **Rep.Krug@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eligibility to attend independent charter school

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 11/18/2003	kgilfoy 11/18/2003					S&L
/1	pgrant 11/19/2003	kgilfoy 11/24/2003	rschluet 11/19/2003		sbasford 11/19/2003		S&L
/2			pgreensl		lnorthro	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			11/25/2003 _____		11/25/2003	12/03/2003	
			pgreensl _____		lnorthro		
			11/25/2003 _____		11/25/2003		

FE Sent For:

<END>

→ At
Intro.

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/2			pgreensl		Inorthro		

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			11/25/2003 _____		11/25/2003		
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/?	pgrant 11/18/2003	kgilfoy 11/18/2003					S&L
/1		1/2 11/24 Krug	rschlue 11/19/2003 1/25 p8	11/25 p8 B	sbasford 11/19/2003		

11/19/2003 09:15:16 AM

Page 2

FE Sent For:

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11/18/2003 01:43:52 PM

Page 1

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1?	pgrant	11-11/18 Krug					
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FE Sent For:

11 5/6
<END>
3

11/18/03

03 ARB 261

if sch. converts to charter = all current
pupils & ribs may continue regardless of
residency.

For all charter schools, all prior
eligibility criteria eliminated. Pupils who don't
reside in sd may be admitted if space
available.

THURSDAY
DN

LRB-3767 1
PG: kmg:

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

regenerate

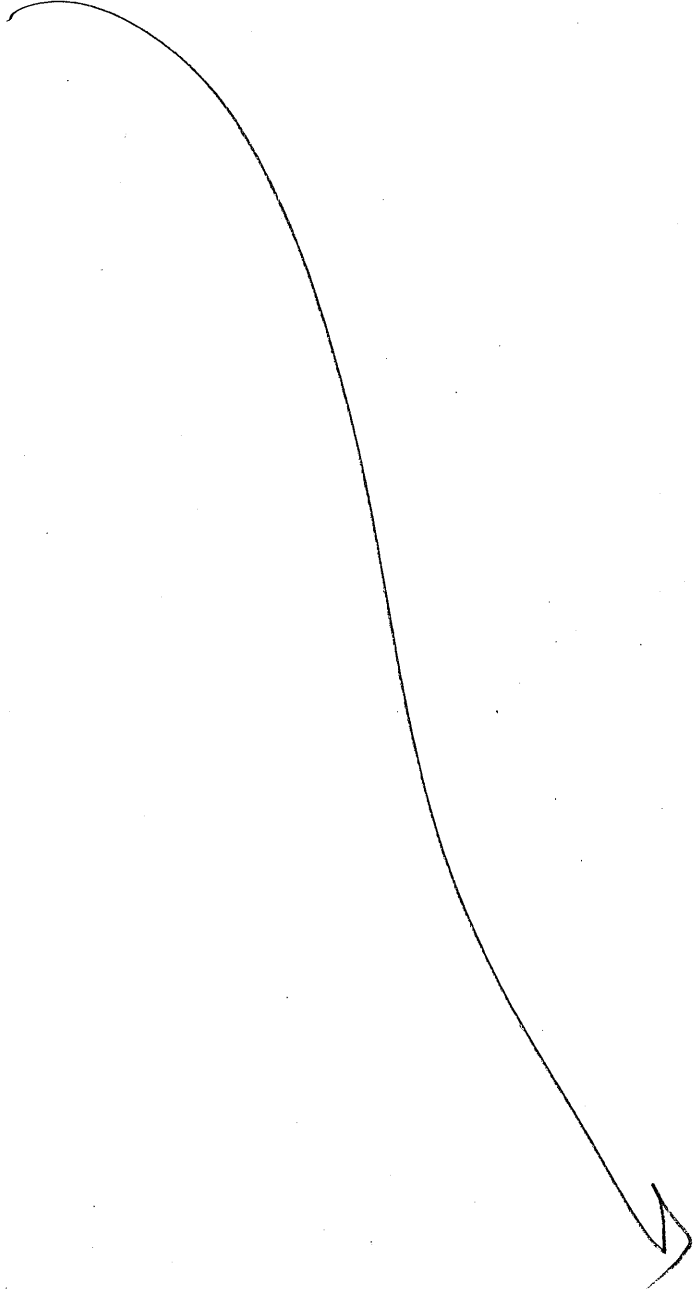
1 AN ACT *to repeal* 119.23 (2) (a) 2. and 119.23 (2) (b); *to renumber* 119.23 (2) (a)
2 3., 119.23 (2) (a) 4. and 119.23 (2) (a) 5.; *to renumber and amend* 119.23 (2)
3 (a) (intro.), 119.23 (2) (a) 1. and 119.23 (7) (am); *to amend* 118.30 (1g) (a) 1.,
4 118.30 (1g) (c), 118.30 (2) (b) 1. and 2., 118.30 (6), 118.33 (1) (f) 3., 118.40 (2r) (c)
5 1. and 118.40 (2r) (cm); *to repeal and recreate* 118.40 (2r) (c) 2.; and *to create*
6 118.30 (1g) (a) 3., 118.30 (1s), 118.30 (2) (b) 5., 118.33 (1) (f) 2m., 118.33 (6) (c),
7 118.40 (4) (a) 3. and 4., 119.23 (2) (f), 119.23 (4r), 119.23 (7) (d) and 119.23 (10)
8 and (11) of the statutes; *relating to: eligibility to attend an independent*
9 ~~the Milwaukee Parental Choice Program,~~
charter schools ~~and granting rule-making authority.~~

Analysis by the Legislative Reference Bureau

Under current law, a charter school is exempt from most laws governing public schools. A charter school may be established by petitioning a school board to enter into a contract with a person to establish and operate a charter school or by a school-board-initiated contract. In addition, the city of Milwaukee, the University of Wisconsin-Milwaukee, Milwaukee Area Technical College, and the University of Wisconsin-Parkside may establish and operate a charter school or contract with a person to operate a charter school (independent charter schools).

the

Under the current Milwaukee Parental Choice Program (MPCP), certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense.





Under current law, only pupils who reside in the school district in which an independent charter school is located may attend the charter school. Under this bill, if a private school participating in the MPCP converts to an independent charter school, a pupil who attended the private school and the pupil's siblings may attend the charter school even though the pupil or sibling resides outside the school district in which the charter school is located. In all other cases, the bill allows a pupil who resides outside the school district in which an independent charter school is located to attend the charter school only if there is space available.

Under current law, a pupil may attend an independent charter school located in the city of Milwaukee only if, in the previous school year, the pupil was enrolled in the Milwaukee Public Schools, was attending a private school under the MPCP, was enrolled in grades kindergarten to three in a private school located in the city of Milwaukee other than under the MPCP, was enrolled in an independent charter school, or was not enrolled in school. This bill eliminates this eligibility requirement.

2003

Date (time)
needed _____

LRB - _____ / _____

BILL

_____ : _____ : _____

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ;* and *to create . . .* of the statutes; relating to: _____

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: _____ **create → anal: → title: → head**

For the subheading, execute: _____ **create → anal: → title: → sub**

For the sub-subheading, execute: _____ **create → anal: → title: → sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: _____ **create → anal: → text**

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

1 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th
2 grade, unless the pupil satisfies the criteria for promotion specified in the governing
3 body's policy under subd. 1.

4 **SECTION 11.** 118.40 (2r) (c) 1. of the statutes is amended to read:

5 118.40 (2r) (c) 1. ~~Only pupils~~ Pupils who reside in outside the school district
6 in which a charter school established under this subsection is located may attend the
7 charter school only if there is space available after pupils who are residents of the
8 school district and pupils described under subd. 2. are accommodated.

9 **SECTION 12.** 118.40 (2r) (c) 2. of the statutes is repealed and recreated to read:

10 118.40 (2r) (c) 2. If a private school participating in the program under s. 119.23
11 is converted to a charter school under this subsection, a pupil who attended the
12 private school and the pupil's siblings may attend the converted charter school even
13 though the pupil or the sibling resides outside the school district in which the charter
14 school is located.

2003

Nonstat File Sequence: **E E E**

LRB _____ / _____

INITIAL APPLICABILITY

1. In the component bar:
For the action phrase, execute: create → action: → *NS: → inappl
For the budget action phrase, execute: create → action: → *NS: → 93XX
For the text, execute: create → text: → *NS: → inappl
2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # ____ **[93** ____ **].** Initial applicability;

(#1) () ,

The treatment of sections ..

..... of the statutes
first applies to

1. In the component bar:
For the action phrase, execute: create → action: → *NS: → inappl
For the text, execute: create → text: → *NS: → inapplA
2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # ____ . Initial applicability;

(#1) *MB*

..... This act first
applies to

①

~~(1) CHARTER SCHOOLS. The treatment of section 118.40 (2r) (c) 1. and 2. and (em)~~

②

~~and (4) (a) 3. and 4. of the statutes first applies to pupils attending charter schools~~

③

~~and to charter schools in the 2004-05 school year.~~

4

(END)

DN

Please note that if ~~AB-261~~ is signed
by Governor Doyle this bill will need to be
redrafted.

PG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3767/1dn
PG:kmg:rs

November 18, 2003

Please note that if AB-261 is signed by Governor Doyle this bill will need to be redrafted.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

11/19/03

TC from Krug

① apply bill retroactively to conversions
that occurred already

② who pays?

instead of all sch. dists,
if pupil resides in diff. sch. dist.
then where c.s. is located, sch. dist.
of res. pays - like open enrollment
(reduce its state aid)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3767/A

PG:kmg:rs

2003 BILL

500m

DN

regenerate

- 1 AN ACT to amend 118.40 (2r) (c) 1.; and to repeal and recreate 118.40 (2r) (c)
- 2 2. of the statutes; relating to: eligibility to attend an independent charter
- 3 school ^{and} payments made to independent charter schools

Analysis by the Legislative Reference Bureau

Under current law, a charter school is exempt from most laws governing public schools. A charter school may be established by petitioning a school board to enter into a contract with a person to establish and operate a charter school or by a school-board-initiated contract. In addition, the city of Milwaukee, the University of Wisconsin-Milwaukee, the Milwaukee Area Technical College, and the University of Wisconsin-Parkside may establish and operate a charter school or contract with a person to operate a charter school (independent charter schools).

Under the current Milwaukee Parental Choice Program (MPCP), certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense.

Under current law, only pupils who reside in the school district in which an independent charter school is located may attend the charter school. Under this bill, if a private school participating in the MPCP converts to an independent charter school, a pupil who attended the private school and the pupil's siblings may attend the charter school even though the pupil or sibling resides outside the school district in which the charter school is located. In all other cases, the bill allows a pupil who resides outside the school district in which an independent charter school is located to attend the charter school only if there is space available.

A

ins. B

BILL

Under current law, a pupil may attend an independent charter school located in the city of Milwaukee only if, in the previous school year, the pupil was enrolled in the Milwaukee Public Schools, was attending a private school under the MPCP, was enrolled in grades kindergarten to three in a private school located in the city of Milwaukee other than under the MPCP, was enrolled in an independent charter school, or was not enrolled in school. This bill eliminates this eligibility requirement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.40 (2r) (c) 1. of the statutes is amended to read:

118.40 (2r) (c) 1. ~~Only pupils~~ Pupils who reside in outside the school district in which a charter school established under this subsection is located may attend the charter school only if there is space available after pupils who are residents of the school district and pupils described under subd. 2. are accommodated.

SECTION 2. 118.40 (2r) (c) 2. of the statutes is repealed and recreated to read:

118.40 (2r) (c) 2. If a private school participating in the program under s. 119.23 is converted to a charter school under this subsection, a pupil who attended the private school and the pupil's siblings may attend the converted charter school even though the pupil or the sibling resides outside the school district in which the charter school is located.

SECTION 3. Initial applicability.

(1) ~~This act~~ first applies to pupils attending charter schools in the 2004-05 school year.

and applies retroactively to private schools that converted to charter schools before the effective date of this subsection.

~~END~~

(#) The treatment of sections ~~118.40(2r)(c) 1. and 2.~~ 118.40(2r)(c) 1. and 2. of the statutes first applies to state aid payments ~~and~~ charter school payments made in the 2004-05 school year.

(Encl)

(A) ✓

Milwaukee Parental Choice Program (MPCP), which
which certain low-income pupils who reside in
the city of Milwaukee may attend participating
private schools in Milwaukee at state expense,

✓
(B)

¶ Currently, the state makes payments to independent charter schools. The cost is fully offset by a proportionate reduction in the general school aid of all school districts.

Under this bill, ^{the} payment to ^{an} independent charter school for ^a pupil who resides outside the school district in which the charter school is located ~~is~~ is offset by a reduction in the general school aid only of the school district in which the pupil resides.

2-11:1

Section #. 118.51 (16) of the statutes

SEC. # CR. 118.40 (2v) (g)

118.40 (2v) (g) 1.

~~118.51 (16) STATE AID ADJUSTMENTS.~~

(a) Annually, the department shall determine all of the following:

a. ~~1.~~ For each school district, the number of ~~nonresident~~ pupils attending public school in the school district under this section, other than pupils for whom tuition is paid under sub. (17).

who reside in the school district and who are a charter established under this subsection or another

b. ~~2.~~ For each school district, the number of ~~resident~~ pupils attending public school in a nonresident school district established under this subsection in another school district under this section, other than pupils for whom tuition is paid under sub. (17).

a charter

b. ~~3.~~ The statewide average per pupil school district cost for regular instruction, co-curricular activities, instructional support services and pupil support services in the previous school year and the increase in the per pupil amount paid to private schools under s. 49.23 (4) (b) 2. in the current school year as compared to

c. ~~1.~~ If the number determined in par. (a) 1. is greater than the number determined in par. (a) 2. for a school district, the department shall increase that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by the amount determined under par. (a) 3.

subd. a.

subd. 1, b.

subd. 1, c.

2. If the number determined in par. (a) 1. is less than the number determined in par. (a) 2. for a school district, the department shall decrease that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by the amount determined under par. (a) 3. If the state aid payment under s. 121.08 is insufficient to cover the reduction, the department shall decrease other state aid payments made by the department to the school district by the remaining amount.

each

number determined under subd. 1, a.

subd. 1, b

A

If the state aid payment under s. 121.08 and other state aid payments made by the department to the school district are insufficient to cover the reduction, the department shall use the moneys appropriated under s. 20.255 (2) (eg) to pay the balance to school districts under subd. 1.

this subd. 1.

3. ~~(c)~~ If a pupil attends public school in a nonresident school district under this section for less than a full school term, the department shall prorate the state aid adjustments under this subsection based on the number of days that school is in session and the pupil attends public school in the nonresident school district.

a charter

other than the school district in which the pupil resides

reduction

subd. 2.

the charter

established under this subsection

2-11:2

4. ~~(a)~~ The department shall ensure that the aid adjustment under ~~par. (b)~~ ^{subd. 2. ✓} does not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55.

2-11 : 31

Section #. 121.08 (4) (a) 1. of the statutes is amended to read:

121.08 (4) (a) 1. Add the amounts paid under s. 118.40 (2r) (e) in the current school year. ✓

History: 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2003 a. 33.

I - NOTE

:KMG:

Representative Krug:

Note that ~~X~~ if state aid payments to a school district are insufficient to cover the required reduction ~~in~~ in state aid ~~the~~ ^{the} balance will not ~~be~~ be offset.

PG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3767/2dn
PG:kmg:pg

November 25, 2003

Representative Krug:

Note that if state aid payments to a school district are insufficient to cover the required reduction in state aid the balance will not be offset.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

Northrop, Lori

From: Little, Sharon
Sent: Tuesday, December 02, 2003 9:58 AM
To: LRB.Legal
Subject: Draft review: LRB 03-3767/2 Topic: Eligibility to attend independent charter school

It has been requested by <Little, Sharon> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3767/2 Topic: Eligibility to attend independent charter school